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October 22, 2009

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SENT BY FACSIMILE ONLY 267-299-5069
Honorable Paul S. Diamond
U.S. District Court for the Eastern District of Pa.
6613 U.S. Courthouse
601 Market Street
Philadelphia, PA 19106

FILED

OCT 22 2009

Re: Maximino M. Estrada, individually and as
Administrator of the Estate of Yolanda A. Carias-Santos
v. Home Depot USA, Inc., American Honda Motor Co., Inc.
and MTA Distributors, Inc.
Civil Action No. 08-4367
Our File No. 2886

MICHAEL E. KUNZ, Clerk
By JL Dep. Clerk

Dear Judge Diamond:

I received your Order setting a *Daubert* hearing regarding Gary Sheesley, P.E. and Honda's motion to exclude his testimony. While I appreciate being given the opportunity to present my witness for additional consideration, on reflection and preparing for trial, the plaintiff has decided that Mr. Sheesley's testimony is not essential to his claim for product defect. Accordingly, we will not be pursuing a theory that the Honda EB3000c generator was defective for lack of an integrated carbon monoxide warning system; however, the plaintiff believes the generator was still defective because of the warning label issues previously addressed by the Court.

Gary Sheesley, P.E. will be removed from the plaintiff's witness list. Please advise if my office needs to do anything further in response to the matter of Mr. Sheesley. Thank you for your consideration.

Respectfully yours,

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